

7252. Misbranding of Balsamo Carminativo del Dr. Jayne, Expectorante de Jayne, Pildoras Sanativas del Dr. Jayne, Alterativo del Dr. Jayne, Linimento ó Contra-Irritante de Jayne. U. S. * * * v. Dr. D. Jayne & Son (The Pennsylvania Co. for Insurance on Lives and Granting Annuities, Henry D. Paxson and Henry LaBarre Jayne, trustees of the estate of Dr. David Jayne, deceased). Plea of nolo contendere. Fine, \$200. (F. & D. No. 9955. I. S. Nos. 3907-p, 3908-p, 3909-p, 3910-p, 3911-p.)

On November 24, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pennsylvania Co. for Insurance on Lives and Granting Annuities, a corporation, Philadelphia, Pa., Henry D. Paxson and Henry LaBarre Jayne, trustees of the estate of Dr. David Jayne, deceased, alleging shipment by the above, under the name of Dr. D. Jayne & Son, in violation of the Food and Drugs Act, on or about December 10, 1917 (3 shipments), October 31, 1917, October 25, 1917, and July 17, 1917, from the State of Pennsylvania into the State of New York, of quantities of articles, labeled in part "Balsamo Carminativo del Dr. Jayne," "Expectorante de Jayne," "Pildoras Sanativas del Dr. Jayne," "Alterativo del Dr. Jayne," and "Linimento ó Contra-Irritante de Jayne," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

The Balsamo Carminativo consisted essentially of opium, a laxative plant drug, probably rhubarb, carbonates, ammonium and potassium salts, aromatics, sugar, alcohol, and water.

The Expectorante consisted essentially of opium, an antimony salt, sugar, alcohol, and water flavored with oil of anise and methyl salicylate.

The Pildoras Sanativas consisted essentially of aloes, gamboge, and a salt of mercury.

The Alterativo consisted essentially of sarsaparilla, sassafras, licorice, potassium iodid, traces of an unidentified alkaloid, sugar, alcohol, and water.

The Linimento ó Contra-Irritante consisted essentially of oils of turpentine, sassafras, and capsicum, and of soap, alcohol, and water.

It was alleged in substance in the information that the Balsamo Carminativo del Dr. Jayne was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for dysentery, cholera morbus, cholera infantum, migraine, nervous headaches, hysteria, nervous tremblings and palpitations, vertigo, fainting, melancholia, restless and fretful and crying children and all diseases of the stomach and nerves, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy and cure for inflammation of the stomach and intestines, jaundice, vomiting, restlessness and insomnia, spasms, hypochondria, restlessness and peevishness of children at the breasts, and as a treatment, remedy, and cure for seasickness, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol and opium, and the label failed to bear a statement of the quantity or proportion of alcohol and opium contained therein; and for the further reason that the statement, to wit, "Mothers will find that this medicine is far superior to, and more certain and cheap, than the drops and cordials that commonly are recommended for children when they are fretful and whiny," borne on the circular accompanying the article,

regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article could be administered with safety to children, whereas, in truth and in fact, it could not be administered with safety to children in that it contained a deleterious ingredient, to wit, opium, which might render it injurious to health when administered to children.

It was alleged in substance that the Expectorante de Jayne was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for asthma, whooping cough, spitting of blood, croup, bronchitis, phthisis, pleurisy and inflammation of the lungs and throat, difficulty in breathing, acute rheumatism, and all diseases of the pulmonary organs, and as a treatment, remedy, and cure for all diseases of the respiratory organs, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for consumption, all affections of the lungs and throat, the beginning of inflammatory fevers, and a cure for bronchitis, as a treatment, remedy and cure for abscesses of the lungs and throat, and croup, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol and opium, and the labels failed to bear statements of the quantity or proportion of alcohol or opium contained therein.

It was alleged in substance that the Pildoras Sanativas del Dr. Jayne was misbranded for the reason that certain statements appearing on the labels of the boxes and wrappers falsely and fraudulently represented it as a treatment, remedy, and cure for liver trouble, jaundice, dyspepsia, fevers, nervous affections, inflammation, pains in the head, chest, side, back, and limbs, and as a treatment, remedy, and cure for diseases of women, and effective for purifying the blood, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for gout, affections of the bladder and kidneys, skin diseases, and melancholy, and effective when taken in connection with Jayne's Alterativo, as a treatment, remedy, and cure for stones in the gall bladder, pains in the kidneys and hips, and dysentery, when, in truth and in fact, it was not.

It was alleged in substance that the Alterativo del Dr. Jayne was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for scrofula, goitre, cold abscesses, scrofulous ulcers, cancerous and indolent tumors, rheumatism, gout, scurvy, neuralgia, tic douloureux, cancer, "dilation" (or swelling) of bones, articulations, ligaments of the ovary, liver, spleen, and kidneys, and effective as a treatment, remedy, and cure for all skin diseases, scald-head, tetter, pimples, carbuncles, dyspepsia, liver trouble, nervous affections, dropsy, constitutional diseases, and diseases that come from an impure condition of the blood and other fluids of the body, and effective as a treatment, remedy, and cure for white tumors, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for herpes, all diseases of the bones, King's Evil, thyroid affections, mumps, rash, ringworms, eye-sores, St. Vitus dance, constitutional

infirmity and diseases that come from an interruption of the normal secretions, cancerous or scirrhus tumors, complication of diseases, dyspepsia and liver trouble, and rickets, and effective when used in connection with Sanativo Pills as a treatment, remedy, and cure for swelling of the abdomen, weakness of the eyes, heart disease, dilation of the heart, dropsy of the pericardium, ossification of the auricles or valves of the aorta, and effective as a treatment, remedy, and cure for metastasis when gout, neuralgia or rheumatism go to the heart, and effective as a treatment, remedy, and cure for diseases of the mucous membranes of the throat, nose, ears, kidneys, and urinary organs, leucorrhœa, pulmonary consumption, diseases of the spine, erysipelas, St. Anthony's fire, epilepsy, chronic inflammation of the mucous membrane, inflammation of the lower mucous membrane, or phlegmasia dolens, and effective as a treatment, remedy, and cure for ulcers of all classes, whether scrofulous, cancerous, scorbutic, or of the flesh, skin, membranes or bones, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol, and the label failed to bear statements of the quantity or proportion of alcohol contained therein.

It was alleged in substance that the Linimento 6 Contra-Irritante de Jayne was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for sore throat, pharyngitis of children (croup), quinsy, paralysis, stiffness in joints, swellings, rheumatism, gout, tic douloureux, boils or tetter, and as an infallible remedy for diseases of live stock, and as a cure for spavin ulcers of the joints, fistulas, splints, and tumors on the legs, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for tumors, white tumors, nervous pains, ringworm, pleurisy, recent burns and scalds, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On December 15, 1919, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7253. Misbranding of Rival Herb Tablets. U. S. * * * v. 72 Packages of Rival Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10026. I. S. No. 5637-r. S. No. C-1152.)

On April 22, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 72 packages of Rival Herb Tablets at Chicago, Ill., alleging that the article had been shipped on March 22, 1919, by the McCullough Drugs Co., Lawrenceburg, Ind., and transported from the State of Indiana into the State of Illinois and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Rival Herb Tablets Chocolate Coated." (Circular—1st page) "Dyspepsia * * * Liver and Kidney Disorder, Rheumatism, La Grippe, Stomach Trouble, Female Complaints, Lame Back, Nervous Affection, Sick Headache, Eczema, Catarrh and all Skin and Blood diseases. * * * a remedy for Diseases arising from Bad Blood, Inactive Stomach, Liver or Kidneys. Rival Herb Tablets restores, strengthens, and